


TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Biased Based Policing		
NUMBER	1104.06	EFFECTIVE DATE	November 20, 2008
Scheduled Review Date	July 30, 2018	ISSUE DATE	November 20, 2008
Date Reviewed	June 5, 2017	REVISION DATE	June 5, 2017
APPROVED BY		ALEAP Standards	2.01; 2.17; 13.14; 13.15; 13.16

I. Purpose and Scope [ALEAP 13.15](#)

A. The purpose of this policy is to establish guidelines and procedures that unequivocally present the Texarkana Police Department’s stance towards the practice of biased based policing. The Texarkana Police Department will not tolerate nor condone any law enforcement activities that are borne from instances or elements of biased based profiling. The act of biased based profiling is not only unethical and illegal, but it also serves to foster a sense of mistrust of those serving within the law enforcement career field by the community in which the Agency serves.

II. Policy

- A. It shall remain the policy of the Texarkana Police Department to patrol the city in a proactive manner while aggressively investigating suspicious persons and/or circumstances and actively enforcing the motor vehicle laws of the State of Arkansas.
- B. It shall remain the policy of the Texarkana Police Department to protect the fundamental rights of all citizens—providing equal protection under the law—while insisting that citizens will only be stopped or detained when the following circumstances exist:
 - 1. A reasonable suspicion to believe the citizen stopped or detained has either committed, is committing or is about to commit a violation of the law.
- C. The Texarkana Police Department prohibits the use of biased based profiling during incidents involving traffic contacts, field contacts and during periods when the Department becomes involved in asset forfeiture efforts.
- D. All employees shall respect the rights of individuals and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. [ALEAP 2.17](#)
- E. All members of the Department shall recognize and adhere to the guidelines and procedures set forth within this policy.

III. Definitions

A. **Biased Based Policing**—The selection of individuals based solely on a trait common to a particular group of people for enforcement action. This includes—but is not limited to—race, ethnic background,

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gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group of people.

- B. **Enforcement Activities**—Activities undertaken both on and off duty by members of the Texarkana Police Department that arise from their authority related to employment, oath of office, state statute or federal law. Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture and generalized law enforcement contact with citizens.
- C. **Probable Cause**—A set of facts and circumstances which are based upon reliable information, personal knowledge or personal observations by an officer that reasonably demonstrates or would warrant an ordinary prudent person to believe that a particular person has committed, is committing or is about to commit some criminal violation of the law.
- D. **Reasonable Cause to Believe**—A basis for a belief that is grounded in the existence of facts which—in the view of the totality of circumstances—is substantial, objective and sufficient to satisfy applicable constitutional requirements.
- E. **Reasonable Belief**—A belief which is based upon a reasonable cause to believe.

IV. Responsibilities and Requirements of Field Officers

- A. Every member of the Texarkana Police Department—whether the employee is sworn or non-sworn—shall treat every person coming within their contact with courtesy and respect while conducting all law enforcement duties in a professional manner.
- B. All investigative detentions, traffic stops, arrests, searches and seizures of property conducted by members of the Texarkana Police Department shall be based on a standard of reasonable suspicion, probable cause or as otherwise mandated by the Fourth Amendment of the United States Constitution and applicable statutory authority. In accordance with [General Order 1105.12---Mobile Video Recording](#), all stops will be recorded. For more information surrounding investigative detentions, refer to [General Order 1105.04---Field Interviews and Investigative Detentions](#).
 - 1. Officers must ensure they are able to articulate the specific facts, circumstances and the conclusions from which the probable cause or the reasonable suspicion for an arrest, traffic stop or investigative detention is based.
- C. Officers are permitted to take into account the **reported race, ethnicity or national origin** of a specific suspect or suspects when such information is based upon **credible, reliable and locally-relevant information** that connects a person of a specific race to a particular criminal incident or connects a specific series of crimes in an area to a group of individuals of a particular ethnicity.
 - 1. The criteria that identifies “local relevancy” requires the information connecting a specific race to a crime must be based upon local conditions. In essence, officers cannot rely upon widely held stereotypes or facts and circumstances that might be present in other areas of the country that connect certain races to certain types of criminal acts. Officers of the Texarkana Police Department must have independent information that supports the link between race and specific criminal acts within the jurisdiction of the City of Texarkana, Arkansas.
- D. Except as provided in Paragraph C above, officers of the Department shall not consider race, ethnicity or national origin when establishing either reasonable suspicion or probable cause.
- E. In an effort to prevent the appearance, inappropriate perception or elements of impropriety connected to biased based law enforcement activities, members of the Texarkana Police Department shall utilize the following strategies when conducting pedestrian and vehicle stops:
 - 1. As soon as possible, and unless providing such information compromises the safety of officer or other persons, officers of the Department shall introduce themselves—to include their name and

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their affiliation with the Texarkana Police Department—and explain to the citizen the reason for the stop. During periods that involve vehicle stops, this information should be provided before asking the violator for his/her driver’s license and registration.

- a. The Texarkana Police Department subscribes to the following seven (7) point violator contact procedure. Section (5) below will remain the officer’s discretion:
 - (1) “ *Good Morning...Good Afternoon...Good Evening* ”;
 - (2) “ *My name is Officer/Sergeant/Lieutenant/Captain _____ with the Texarkana Police Department* ”;
 - (3) “ *May I see your driver’s license?* ”;
 - (4) “ *You have been stopped for the violation of _____* ”;
 - (5) “ *You will be issued a citation/warning/verbal warning for the violation* ”;
 - (6) **Advise the violator of the court procedure**; and
 - (7) “ *Drive safely and thank you for your courtesy* ”.
- b. Due to the nature and purpose of the operation involved, undercover officers—or officers acting as decoys—are exempt from identifying themselves until the point that an arrest, detention or any enforcement action is executed.

- F. Appropriate enforcement action shall always be properly documented which generally consists of written warning citations, citations, field interview cards or arrest/incident/supplemental reports.
- G. Ensure the length of a person’s detention is no longer than necessary to execute the appropriate action connected to the known or suspected offense or circumstances that precipitated the contact.
- H. Answer any question the person asks to include explaining options for the disposition of the traffic citation where applicable.
- I. The officer shall provide his/her name and badge number when requested to do so. Such notification should be provided in a written format or on a business card.
- J. Officers shall provide the person with an explanation if the facts and circumstances that surround the reasonable suspicion for the detention are ultimately determined to be unfounded. Such circumstances are commonly encountered after making detentions in response to BOLO’s.
- K. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender or sexual orientation of a person detained for investigative or enforcement purposes is prohibited and shall be cause for disciplinary action consistent with Departmental policy.

V. Responsibilities and Requirements of Supervisors

- A. Supervisors of the Agency shall ensure the officers within their charge follow the policies and procedures outlined within this policy. It will remain the responsibility of supervisors to monitor the activities of the officers within their charge and remain sensitive to the awareness for the potential of biased based policing activity.
- B. An on-duty supervisor shall be responsible for making contact, whenever possible, with any known complainant who has alleged biased based police practices by any officer under their charge either in person or by telephone. The content of such complaints shall be documented.

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- C. Upon the receipt of a biased based policing complaint, the respective supervisor shall address the matter in a timely manner by providing a written evaluation and report of the complaint to the respective Division Commander and the Chief of Police.
 - 1. All internal reporting procedures involving biased based policing complaints shall be completed within twenty-four (24) hours of the receipt of such complaint.
- D. Supervisors will ensure they remain knowledgeable of all biased based policing complaints involving officers under their charge that were previously filed with the Services Division. Supervisors will remain particularly alert to potential patterns and practices of their personnel that tend to indicate the biased based profiling and treatment of individuals.

VI. Allegations of Biased Based Policing

- A. When a person lodges a complaint involving the person’s belief an officer has engaged in practices which are prohibited by this policy, the officer will immediately notify his/her supervisor of the receipt of the complaint.
 - 1. Whenever practical, the supervisor will report to the scene and attempt to mediate the situation and circumstances.
 - 2. Officers who are accused of biased based policing activity shall provide the complainant(s) with the full name and appropriate telephone number that corresponds to his/her immediate supervisor as well as the full name and appropriate telephone number of his/her Division Commander.
 - a. Officers who are accused of such activity shall also complete an Inter-Office Memorandum that contains the following elements:
 - (1) Documents the incident in question;
 - (2) List the specifics of the individual allegation and the merits of the complaint as stated by the complainant;
 - (3) List the purpose for the stop that precipitated the complaint (pedestrian or vehicle stop); and
 - (4) Identify the enforcement action taken if any such action exists (citation, arrest, investigative detention).
 - b. The memorandum shall be forwarded from the affected officer to the Chief of Police utilizing the officer’s established chain-of-command.
- B. The Texarkana Police Department will accept complaints from any person who believes they have been stopped, detained, searched or arrested based solely upon biased based circumstances.
- C. All investigations stemming from complaints that surround biased based policing practices shall be conducted and managed in a manner consistent with Department guidelines or as directed by the Chief of Police, or his/her designee.

VII. Review and Reporting Requirements ALEAP 2.01

- A. Depending upon the findings and disposition of each complaint—coupled with individual factors and circumstances unique to the respective complaint—corrective measures will be instituted in accordance to Departmental policy to remedy violations of this policy.

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1. Although not inclusive, corrective measures may include training, counseling, policy review and discipline up to and including termination of employment.
- B. On an annual basis, the Services Division Commander will direct the compilation of a statistical summary of all biased based policing complaints which will include applicable findings and the dispositions assigned to each complaint. The annual review will be documented in an annual report and submitted to the Chief of Police for review.
- C. The statistical summary will be utilized in an annual administrative analysis of these complaints which will occur simultaneously with the review of the Department's policy, practices and citizen complaints.
- D. Should a pattern during the analysis emerge, the Services Division Commander shall be responsible to direct an investigation to determine whether the officer(s) of the Texarkana Police Department have violated the provisions of this policy and/or other Departmental policies and procedures.
- E. Pursuant to A.C.A. §12-12-1403, the Services Division Commander shall ensure this policy that prohibits racial profiling is certified through the Attorney General's Office annually. The Services Division Commander shall also ensure this certification remains on-file locally. [ALEAP 13.16](#)

VIII. Retaliation in Response to Complaints or Impending Complaints

- A. No person will be discouraged, intimidated or coerced in any manner from filing such a complaint nor shall any person be discriminated against for such actions.
- B. No member of the Texarkana Police Department—regardless of rank—shall retaliate against any fellow officer, official, civilian or volunteer for their involvement of any incident involving biased based policing practices.
- C. All actions and/or behavior found to constitute retaliation shall immediately be addressed and may lead to disciplinary action up to and including termination of employment.

IX. Training [ALEAP 2.01; 13.14](#)

- A. Training targeted towards the members of the Texarkana Police Department shall remain in compliance with applicable state laws and accreditation standards. This training shall include the following:
 1. Departmental training concerning this policy and the prohibition of racial, biased based policing practices shall extend to all current and future employees of the Texarkana Police Department;
 2. Pursuant to A.C.A §12-12-1404, all commissioned personnel shall undergo annual racial profiling training developed to stress the understanding and respect for racial, ethnic, national, religious and cultural differences. All training shall meet the racial profiling training requirements set forth within the statutory provisions;
 3. Provide for the development of effective and appropriate methods of managing and administering law enforcement duties;
 4. A review of the Department's guidelines and operating procedures that implement and establish the prohibition of racial profiling and biased based policing practices;
 5. Endorsed training records that reaffirm all Department employees' understanding, acknowledgement and receipt of the policy that addresses biased based policing practices.
 6. If necessary and deemed appropriate, officers may receive foreign language instruction that facilitates adequate communication with the residents of the community.

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